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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,536	02/28/2002	Michael A. Libes	37063.00001	2259
29736	7590	05/20/2005	EXAMINER	
KATHLEEN T. PETRICH STOKES LAWRENCE, P.S. 800 FIFTH AVENUE SUITE 4000 SEATTLE, WA 98104-3179			CHO, UN C	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/087,536

Applicant(s)

LIBES, MICHAEL A.

Examiner

Un C Cho

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.  
4a) Of the above claim(s) 4-6 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-3 and 7-26 is/are rejected.  
7) ☒ Claim(s) 12 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 28 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Objections***

1. Claim 12 is objected to because of the following informalities:

Regarding claim 12, line 2 of the claim it recites, "... providing two wireless-enabled devices communicatingly ..." it should be "... providing two wireless-enabled devices communicatively ..." instead.

Appropriate correction is required.

***Allowable Subject Matter***

2. The indicated allowability of claim 8 is withdrawn in view of the newly discovered reference(s) to Eiden et al. (US 2002/0128030 A1). Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 7, 9, 12 – 14, 17, 18, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ike in view of Avenel (US 6,483,425 B1).

Regarding claim 1, Ike discloses a wireless communication method comprising: providing two wireless-enabled devices that are capable of

communicating on a primary wireless network (portable data entry device and information processing apparatus, Ike, Fig. 3, 1 and 4 being able to communicate on a primary wireless network), wherein at least one device is a master device (information processing apparatus, Ike, Fig. 3, 4), each said wireless enabled device corresponding to a wireless handshake plug (Electromagnetic induction communication coil, Ike, Fig. 3, 3 and 6), wherein each said plug is capable of receiving and sending data to the other plug through a secondary communication link; handshaking the two wireless-enabled devices by bringing each device's plug in physical proximity with the other (Ike, Col. 2, lines 58 – 61) and transmitting handshaking data from the at least one master device plug (information processing apparatus electromagnetic induction communication coil) to the other device plug (portable data entry device electromagnetic induction communication coil) (Ike, Col. 3, line 66 through Col. 4, line 8).

However, Ike as applied above does not specifically disclose that secondary wireless communication link is initiated to configure the communication between the two devices over the primary wireless network; terminating the secondary communication link once the handshaking data transmission is complete and the devices are communicating via the primary wireless network. In an analogous art, Avenel discloses wherein secondary wireless communication link (inductance) is initiated to configure the communication between the two devices over the primary wireless network (RF) and terminating the secondary communication link once the handshaking data

transmission is complete and the devices are communicating via the primary wireless network (management unit (Fig. 1, 29) switches the secondary communication link once the identifying data is complete and the devices are communication via the primary wireless network) (Avenel, Col. 4, lines 14 through Col. 5, line 38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Avenel to the technique of Ike in order to provide a system that enhances the security of a bi-directional data transmission used to control access to an enclosed space, by preventing any violation by a pirate transmission-reception system thus providing reliable, easy to use, practical and inexpensive system.

Regarding claim 3, Ike in view of Avenel as applied to claim 1 above discloses wherein the transmitted handshaking data consists of a wireless network address (transmits identification signal, Avenel, Col. 5, lines 19 – 38).

Regarding claim 7, Ike in view of Avenel discloses that the electromagnetic induction communication coil of both devices are put in close proximity to each other to start the electromagnetic induction communication between the two devices (Ike, Col. 2, lines 58 – 61 and Col. 3, lines 2 – 8).

Regarding claim 9, Ike in view of Avenel as applied to claim 1 above discloses that each plug (Electromagnetic induction communication coil, Ike, Fig. 3, 3 and 6) includes a magnet and magnetic field detector (Fig. 4, electromagnetic induction circuit 13A and 13B) that is capable of decoding handshaking data and is closely positioned to the other plug during handshaking

(Ike, Col. 2, lines 58 – 61), and wherein one wireless-enabled device detects the magnet of the other device and begins transmitting handshaking data (Ike, Col. 3, line 66 through Col. 4, line 8).

Regarding claim 12, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 13, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 14, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 17, Ike in view of Avenel as applied to claim 13 above discloses that each plug is physically connected to its corresponding device (the electromagnetic induction communication coil is located within the device, Ike, Fig. 3, 6 and 3) (Ike, Col. 2, lines 18 – 28).

Regarding claim 18, the claim is interpreted and rejected for the same reason as set forth in claim 17.

Regarding claim 21, the claim is interpreted and rejected for the same reason as set forth in claim 9.

Regarding claim 24, the claim is interpreted and rejected for the same reason as set forth in claim 9.

5. Claims 2, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ike in view of Avenel as applied to claim 1 above, and further in view of Bengtsson et al. (US 6,480,924 B1).

Regarding claim 2, Ike in view of Avenel discloses wherein each plug is capable of receiving and sending data. However, Ike in view of Avenel does not specifically disclose receiving and sending of at least one byte of handshaking data. In an analogous art, Bengtsson discloses receiving and sending of at least one byte of handshaking data (Bengtsson, Col. 4, lines 34 - 39). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Bengtsson to the modified system of Ike and Avenel in order to provide an ASIC and a transceiver circuit which are cheaper and easier to produce, and that preferably can be connected to one another with fewer connections (Bengtsson, Col. 2, lines 26 – 31).

Regarding claim 15, the claim is interpreted and rejected for the same reason as set forth in claim 2.

Regarding claim 16, the claim is interpreted and rejected for the same reason as set forth in claim 2.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ike in view of Avenel as applied to claim 1 above, and further in view of Eiden et al. (US 2002/0128030 A1).

Regarding claim 8, Ike in view of Avenel as applied to claim 1 above discloses a wireless communication method comprising: providing two wireless-enabled devices, wherein at least one device is a master device, each said wireless-enabled device including a wireless handshake plug, wherein each said plug is capable of receiving and sending data to the other plug; handshaking the two wireless-enabled devices by bringing each device's plug in physical proximity with the other and transmitting handshaking data from the at least one master device plug to the other device plug such that a wireless communication connections is established.

However, Ike in view of Avenel as applied above does not specifically disclose wherein the physical proximity is established by a user making physical contact with each plug to create a communications link between the two wireless-enabled devices during handshaking. In an analogous art, Eiden discloses that the physical proximity is established by a user making physical contact with each plug to create a communications link between the two wireless-enabled devices during handshaking (Page 3, Paragraph 0039, lines 1 – 48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Eiden to the modified system of Ike and Avenel in order to provide a method and a terminal for group communication and for establishing the group between the users based on a physical contact of the users (Eiden, Page 1, Paragraph 0010 through 0015).



7. Claims 10, 22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ike in view of Avenel and further in view of Trost et al. (US 2002/0151275).

Regarding claim 10, Ike in view of Avenel as applied in claim 1 above does not specifically disclose that each plug includes a short-range, radio frequency, transceiver that is closely positioned to the other plug during handshaking and wherein the handshaking data is transmitted over one of the plug's short-range, radio-frequency transmitter. In an analogous art, Trost discloses many electronic devices (PDA, Fax, Telephone, Printer, Computer, Keyboard, etc) have attachable Bluetooth wireless transceiver (Fig. 1, 105A, 105B, 105C, etc.) (Trost, Page 2, Paragraph 0041, lines 3 – 15) that is closely positioned (Bluetooth transceivers are used in limited coverage area, thus, must be positioned closely in order to function correctly) to the other wireless communication device during handshaking (transmission between master and slave) and wherein the handshaking data is transmitted over one of the Bluetooth wireless transceiver (Trost, Page 3, Paragraph 0055, lines 1 – 4 and Page 4, Paragraph 0060, lines 11 – 19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Trost to the modified system of Ike and Avenel in order to provide that by using Bluetooth technology, instead of communicating over cables, devices can communicate in a wireless fashion over an air interface using the 2.4 gigahertz ISM (Industrial Scientific and Medical) frequency band.

Regarding claim 22, the claim is interpreted and rejected for the same reason as set forth in claim 10.

Regarding claim 25, the claim is interpreted and rejected for the same reason as set forth in claim 10.

8. Claims 11, 19, 20, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ike in view of Avenel and further in view of Tsai (US 2003/0153268).

Regarding claim 11, Ike in view of Avenel as applied to claim 1 above does not specifically disclose that each plug further includes an optical transmitter and an optical receiver, such that each plug is closely positioned to the other plug during handshaking. In an analogous art, Tsai teaches that each plug (mobile phone with integrated infrared transceiver, Tsai, Fig. 5, 200 and a processor unit Tsai, Fig. 5, 20) further includes an optical transceiver (Tsai, Page 1, Paragraph 0018, lines 3 – 7) such that each plug is closely positioned to the other plug during handshaking (Tsai, Page 2, Paragraph 0021, lines 1 – 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Tsai to the modified system of Ike and Avenel in order to provide an infrared transceiver for establishing an infrared transmission link with the mobile phone and is operable so as to wirelessly transmit the set of program instructions configured by the communications protocol controller to the mobile phone.

Regarding claim 19, Ike in view of Avenel and further in view of Tsai as applied to claim 11 above discloses that at least one plug (the processor unit and the keyboard being in separate locations) is physically remote from its corresponding device (Tsai, Page 2, Paragraph 0024, lines 1 – 15)

Regarding claim 20, the claim is interpreted and rejected for the same reason as set forth in claim 19.

Regarding claim 23, the claim is interpreted and rejected for the same reason as set forth in claim 11.

Regarding claim 26, the claim is interpreted and rejected for the same reason as set forth in claim 11.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1 – 3 and 7 – 26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C Cho whose telephone number is (571 )272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2687

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**SONNY TRINH**  
**PRIMARY EXAMINER**

Un C Cho  
Examiner  
Art Unit 2687

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